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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,315	05/31/2001	Albert Santelli JR.	Fram Trak-8	1210

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EXAMINER

MAYO III, WILLIAM H

ART UNIT PAPER NUMBER

2831

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/871,315

Applicant(s)

SANTELLI, ALBERT

Examiner

William H. Mayo III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 10-15, and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Booty, Sr et al (Pat Num 4,875,871, herein referred to as Booty). Booty discloses a wire and cable enclosure system (Figs 1-17) having connectors (36) for connecting elongated enclosures of wires and cable enclosure systems (Cols 1-2, lines 60-68 and 1-5 respectively). Specifically, with respect to claim 1, Booty discloses a connector (36, Fig 1) comprising a manually bendable pleated body (222c as shown in Fig 11) having first and second ends (222a & 222b), a first coupling member (226) that extends from the first end of the body (left end) and attaches an elongated enclosure (230 as shown in Fig 12) to the connector (220 as shown in Fig 12) and a second coupling member (see Fig 1 36 that shows two identical ends) that extends from a second end of the body (right end) and attaches another elongated enclosure to the connector (22 as shown in Fig 1), wherein the pleated body (not numbered in Fig 1) allows the connector (36) to be manually bent from side to side and/or front to back and the be manually lengthened or shortened to provide a desired configuration (Col 4, lines 28-35). With respect to claim 2, Booty discloses that the body and the coupling

members (not numbered in Fig 1) form a unitary molded connector (Col 12, lines 60-65). With respect to claim 3, Booty discloses that the body and coupling members (not numbered in Fig 1) are formed of plastic (Col 12, lines 60-65). With respect to claim 10, Booty discloses that the connector (36) has a textured surface (i.e. pleated), which is an outside surface (see outside of 36). With respect to claim 11, Booty discloses that the connector (36) has a textured surface (i.e. pleated). With respect to claim 12, Booty discloses that the connector (36) has a textured surface (i.e. pleated) which is an inside surface (see inside of 36). With respect to claim 13, Booty discloses a enclosure system (Fig 1) comprising a connector (36) that has a manually bendable pleated body (not numbered in Fig 1) having first and second ends (left and right ends), a first coupling member (at right end) that extends from the first end of the body (center of 36) and attaches an elongated enclosure (22) to the connector (36) and a second coupling member (attached at left end) that extends from a second end of the body (not numbered) and attaches another elongated enclosure (22) to the connector (36, Col 4, lines 28-35), wherein the pleated body (center of 36) is capable of having the connector (36) be manually bent from side to side and/or front to back and the be manually lengthened or shortened to provide a desired configuration (i.e. pleated body, Col 4, lines 28-35). With respect to claim 14, Booty discloses that the body and the coupling members (not numbered in Fig 1) form a unitary molded connector (Col 12, lines 60-65). With respect to claim 15, Booty discloses that the body and coupling members (not numbered in Fig 1) are formed of plastic (Col 12, lines 60-65). With respect to claim 22, Booty discloses that the connector (36) has a textured surface (i.e. pleated). With

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respect to claim 23, Booty discloses that the connector (36) has a textured surface (i.e. pleated), which is an outside surface (see outside of 36). With respect to claim 24, Booty discloses that the connector (36) has a textured surface (i.e. pleated) which is an inside surface (see inside of 36).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-9 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Booty (Pat Num 4,875,871) in view of Valente et al (Pat Num 5,789,064). Booty discloses a connector being formed of a plastic composition, as described above with reference to claims 3 & 15.

However, Booty doesn't necessarily disclose the plastic composition including a component with electromagnetic absorbing properties (claims 4 & 16), nor the component being ferrite particles (claims 5 & 17), nor the plastic composition including a second component with electromagnetic reflecting properties (claims 6 & 18), nor the second component comprising metal particles (claims 7 & 19), nor the plastic composition including a component with electromagnetic reflecting properties (claims 8 & 20), nor the component comprising metallic particles (claims 9 & 21).

Valente discloses a plastic composition that has electromagnetic radiation absorbing materials that are commonly used in manufacturing of electromagnetic shielding structures (i.e. cable covers). Specifically, with respect to claims 4-5 & 16-17, Valente discloses that the plastic composition may include a component with electromagnetic absorbing properties, such as ferrite particles (Cols 3 & 4, lines 57-67 & 1-3). With respect to claims 6-7 & 18-19, Valente discloses that the plastic composition may include a second component with electromagnetic reflecting properties, such as metal particles (i.e. copper, Col 3, lines 15-21). With respect to claim 8-9 & 20-21, Valente discloses that the plastic composition may include a component with electromagnetic reflecting properties, such as metallic particles (i.e. copper, Col 3, lines 15-21).

With respect to claims 3-12 & 16-22, it would have been obvious to one having ordinary skill in the art of plastic compositions at the time the invention was made to modify the plastic composition of Booty to comprise the plastic composition configuration as taught by Valente because Valente teaches that such a configuration are commonly used in manufacturing of electromagnetic shielding structures (i.e. cable covers) and since it has been held to be within general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Communication***


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (703)

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306-9061. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to be 'WHM III', written in a cursive style.

WHM III  
February 24, 2003